

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 24159 of 2005

23-11-2005

Between:

Ms.S.Tahmina Jabeen.

..... PETITIONER

AND

Government of Andhra Pradesh, Rep. by its Principal Secretary, School
Education, Hyderabad & Others.

.....RESPONDENTS

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 24159 OF 2005

ORDER: (Per Hon'ble Sri Bilal Nazki, ACJ)

Heard learned Counsel for the parties. With their consent, the writ petition is disposed of at this stage, as there is no need of filing the counter, because the facts are not disputed.

The petitioner challenged the action of respondents in not permitting her to continue the B.Ed. Course, on the ground that she had not secured 45% marks in Part-II of the Graduation level. The admitted case is that she had secured more than 45% marks in aggregate i.e. she secured 47.3% marks in aggregate, but in Part-II of the Graduation, she could not secure 45% marks and she secured about 42% marks. Whether it is required that the candidate should secure 45% marks or above in Part-II examination of the Graduation or 45% in aggregate, has been decided by this Court in a judgment dated 22.08.2005 in Writ Appeal No.965 of 2005. Since the petitioner had secured 45% marks in aggregate in accordance with our judgment in Writ Appeal No.965 of 2005, the petitioner is eligible to be admitted. However, we have been informed of our another judgment dated 21.10.2005 in Writ Appeal No.855 of 2005. This was the case of a candidate, who had failed to secure 45% marks in Part-II examination of the Graduation and also failed to secure 45% marks in aggregate. Therefore, the writ appeal was dismissed.

For these reasons, we allow this writ petition and direct the respondents to allow the petitioner to continue the B.Ed. Course. No order as to costs.

(BILAL NAZKI, ACJ)

23rd November 2005

(K.C.BHANU, J)

ajr

